

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the adoption of New)
Rules I through IV, pertaining to)
Chrome for Kids Motorcycle License)
Plates)

NOTICE OF PUBLIC HEARING
ON PROPOSED ADOPTION

TO: All Concerned Persons

1. On July 24, 2013, at 10:00 a.m., the Department of Justice will hold a public hearing in the auditorium of the Scott Hart Building, 303 North Roberts, Helena, Montana, to consider the proposed adoption of the above-stated rules.

2. The Department of Justice will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Justice no later than 5:00 p.m. on July 10, 2013, to advise us of the nature of the accommodation that you need. Please contact Kathy Stelling, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail kstelling@mt.gov.

3. The rules as proposed to be adopted provide as follows:

NEW RULE I GENERAL PROVISIONS (1) There is a state special revenue fund established pursuant to 61-3-415(3), MCA, which shall be known as the Chrome for Kids Wish Fund.

(2) There is a Chrome for Kids Wish Fund Review Committee made up of the administrator of the Motor Vehicle Division, bureau chief of the Driver's Licensing Bureau, and bureau chief of the Records and Driver Control Bureau.

(a) The committee will meet each August to review the amount of funds available for grants in the current fiscal year.

(b) The committee shall notify the public of the amount of grant funds available for that fiscal year by August 30.

(c) Grant applications shall be accepted by the Motor Vehicle Division at any time after the public announcement of funds availability. The deadline for grant submission to the department shall be 60 days after the grant announcement.

(d) The committee will meet within 30 days after the final date of grant submissions to review grant proposals and to award grants for that fiscal year.

(e) Any grant funds awarded must be disbursed and used within two years of the grant award.

AUTH: 61-3-415, MCA
IMP: 61-3-415, MCA

NEW RULE II WISH FUND GRANT CRITERIA (1) Montana-based nonprofit public or private corporations, which have received the IRS 501(c)(3) tax-exempt designation and whose purpose includes assistance to chronically or critically ill Montana children may apply for a Chrome for Kids Wish Fund grant.

(2) Funds must be used to provide a chronically or critically ill Montana child a special wish. No more than 10% of awarded grant funds can be used for program administration by the applicant.

(3) Children's wishes shall be determined by the parents or legal guardians of minor children in consultation with the child and an attending healthcare provider and may be of the following type:

(a) a visit to a special place such as a children's theme park or a city or metropolitan area to experience unique or different food, arts, education, entertainment, and culture;

(b) a trip to participate in or observe a special activity such as a rodeo, baseball game, surfing, or other physical/sports activity;

(c) financial assistance to provide improvement in the quality of life for the critically or chronically ill child as determined by the attending physician and parents/legal guardian; or

(d) a special activity such as a birthday party or celebration of the child's life as determined by parents/legal guardian.

AUTH: 61-3-415, MCA

IMP: 61-3-415, MCA

NEW RULE III APPLICATION REQUIREMENTS (1) Grant applicants must submit the following materials with each grant application:

(a) the legal title of the nonprofit organization and the address of its principal office;

(b) a list of the organization's board members and their occupations;

(c) a copy of the organization's IRS tax-exempt designation;

(d) a name of the proposed grant, the amount of funding requested, the general purpose of the proposed grant, and a specific description of how any awarded grant funds would be used; and

(e) any evidence of public support for the proposed grant.

AUTH: 61-3-415, MCA

IMP: 61-3-415, MCA

NEW RULE IV GRANT REVIEW AND EVALUATION (1) Eligibility of the requesting organization will be evaluated to determine whether it meets the criteria established in statute and these rules.

(2) All applications shall be reviewed and evaluated for project type, funding requested, need for the project, and whether the funding will be used and completed within the two-year period.

(3) Successful grant applicants will be required to provide the Motor Vehicle Division with a report, once grant funds are exhausted, that details specifically how the grant funds were used.

AUTH: 61-3-415, MCA
IMP: 61-3-415, MCA

REASON: Section 61-3-415, MCA, creates a special motorcycle license plate that is used to fund efforts by Montana-based nonprofit corporations that grant wishes to chronically or critically ill Montana children. The Montana Department of Justice is identified as the entity to administer these funds. The statute also grants to the department the authority to adopt rules to identify the entity or entities that may qualify for grants and to establish the criteria that an entity must meet to receive grant funds. These rules are proposed to address those issues.

4. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Peter Funk, Department of Justice, 215 North Sanders, P.O. Box 201401, Helena, MT 59620-1401; telephone (406) 444-2026; Montana Relay Service 711; fax (406) 444-3549; or e-mail pfunk@mt.gov, and must be received no later than August 1, 2013.

5. Peter Funk, Department of Justice, has been designated to preside over and conduct this hearing.

6. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

7. An electronic copy of this proposal notice is available through the department's web site at <https://doj.mt.gov/agooffice/administrative-rules>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. On June 5, 2013, John Brueggeman, primary bill sponsor of HB 767, was sent a draft by e-mail.

/s/ Matthew T. Cochenour
Matthew T. Cochenour
Rule Reviewer

/s/ Tim Fox
Tim Fox
Attorney General
Department of Justice

Certified to the Secretary of State June 10, 2013.